

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NASIR ELLIOTT	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 13-1944
MICHAEL ZAKEN, <i>et. al.</i>	:	

**ORDER**

AND NOW, this 22nd day of April, 2024, upon careful and independent consideration of Petitioner Nasir Elliott's Objections to the November 21, 2023 Report and Recommendation of United States Magistrate Judge Elizabeth Hey, and following careful review of Judge Hey's Report and Recommendation, it is hereby ORDERED:

1. Petitioner's Objections are OVERRULED and the Report and Recommendation is APPROVED AND ADOPTED and the Petition for Writ of Habeas Corpus is DENIED for the reasons set forth in the accompanying Memorandum.
2. A Certificate of Appealability shall not issue.<sup>1</sup>
3. The Clerk of Court is DIRECTED to mark this case CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez

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Juan R. Sánchez, J.

<sup>1</sup> Elliott has not shown denial of a federal constitutional right, nor established that reasonable jurists would disagree with this Court's procedural disposition of his claims. *Slack v. McDaniel*, 529 U.S. 473, 478 (2000). Although he also objects to Judge Hey's recommendation that no certificate of appealability should be issued, his argument does not make the requisite showing and the Court agrees there is no basis to issue a Certificate of Appealability.